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MEDLEN & CARROLL, LLP			HOANG, SON T	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Supplemental

Office Action Summary

Application No.	OSBORNE, PETER J.
Examiner Son T. Hoang	Art Unit 2169

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 16 September 2005.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-30 is/are pending in the application.

4a) Of the above claim(s) 28-30 is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-27 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 16 September 2005 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date 19 December 2006.

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) Notice of Informal Patent Application
 6) Other: _____

DETAILED ACTION

1. This instant Office action replaces the Office action sent out on August 24, 2007.

This instant application having Application No. 10/549,432 has a total of 27 claims pending in the application; there are 3 independent claims and 24 dependent claims, all of which are ready for examination by the Examiner.

Oath/Declaration

2. The Applicant's oath/declaration received on May 15, 2006 is found to conform to the requirements prescribed in 37 C.F.R. 1.63.

Information Disclosure Statement

3. As required by M.P.E.P. 609(C), the Applicant's submission of the Information Disclosure Statement dated December 19, 2006 is acknowledged by the Examiner and the cited references have been considered in the examination of the claims now pending. As required by M.P.E.P 609 C(2), a copy of the PTOL-1449 initialed and dated by the examiner is attached to the instant office action.

Priority

4. The Applicant's claim for foreign priority of Patent Application PCT/AU04/00353 (filed on March 22, 2004) and U.S. Provisional Application No. 60/456,863 (filed on March 21, 2003) is confirmed. The Examiner takes the provisional filing date of March 21, 2003 into consideration.

Abstract

5. The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.

Drawings

6. The drawings were received on September 16, 2005. These drawings are accepted for the examination purposes.

Claim Objections

7. **Claims 2, 15, 25** are objected to because of the following informalities: the obscured use of the term "look up" in "look up table" and "look up operation". The Examiner suggests using "look-up" instead.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate Paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this Section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. **Claims 1, 11-14, and 27-30;** are rejected under 35 U.S.C. 102(e) as being anticipated by Pulkkinen et al. (Pub. No. US 2003/0227386, provisionally filed on June 06, 2002 via Provisional Application No. 60/386,475; hereinafter Pulkkinen).

Regarding claim 1, Pulkkinen clearly shows and discloses a method of processing data for the administration of an organization ([0024]), the method including the steps of:

generating element data representing details of workplace elements (*A badge includes a IR scannable barcode or an RF transponder which when interrogated respectively by an IR or RF source, such as another badge or one of the sensors, reflects ID data signals preferably toward the interrogating source, [0034]*);

recording activity data associated with the workplace elements by recording the element data during workplace activities associated with the workplace elements (*The badge is an IR reader that transmits IR interrogating signals toward the badge of a patient which includes an IR readable barcode. The barcode of the badge reflects the interrogating signals to generate IR identification data signals, preferably indicating the identity of the interrogating badge and the interrogated badge. The sensor detects the IR ID signals and the routes to the controller activity data signals which indicate a proximity condition was detected for the badges at the zone of the sensor, [0042]*);

writing the element data and the activity data to a database stored in a data storage device (*The module processes and then stores in its memory such activity data in the form of a record indexed by source and*

time and cross-referenced by patient and caregiver, as suitable and available, [0054]);

associating activity codes with the element data and the activity data (*The module processes and then stores in its memory such activity data in the form of a record indexed by source and time and cross-referenced by patient and caregiver, as suitable and available, [0054]);*

retrieving the element data and the activity data from the database using the activity codes as keys for such retrieval (*The module retrieves, via the processor, time indexed records concerning patient and associated caregiver location and patient-caregiver proximity from the respective modules and physiological measurement information from the module, [0057]); and*

applying predetermined algorithms to the element data and the activity data (*Each of the modules of the controller suitably contains a memory storage area, such as RAM, for storage of data and instructions for performing processing operations in accordance with the present invention, [0048]) to generate reports relating to workplace activities associated with the workplace elements (The processor generates prepared reports relating to, for example, patient charting, order entry, outcome management, quality assessment, utilization review and patient*

admission details, such as patient tracking, bed management and scheduling, [0062]).

Regarding **claim 11**, Pulkkinen clearly shows and discloses an apparatus for processing data for the administration of an organization ([0024]), the apparatus including:

a data storage device storing element data representing details of workplace elements (*The modules 27 and 29 respectively process the received activity data to create a time indexed record of patient and caregiver location within the hospital tracking environment and store such indexed records in their respective memories, [0051]*);

at least one recordal device that is configured to record activity data associated with the workplace elements by recording the element data during workplace activities associated with the workplace elements (*The badge is an IR reader that transmits IR interrogating signals toward the badge of a patient which includes an IR readable barcode. The barcode of the badge reflects the interrogating signals to generate IR identification data signals, preferably indicating the identity of the interrogating badge and the interrogated badge. The sensor detects the IR ID signals and the routes to the controller activity data signals which indicate a proximity condition was detected for the badges at the zone of the sensor, [0042]*); and

at least one computer that is operable on the data storage device, is connected to the, or each, recordal device (*The controller includes modules that execute software programs to implement the features of monitoring activities in a health care facility tracking environment, [0048]* and Figure 2), is programmed to write the activity data to the data storage device (*The module processes and then stores in its memory such activity data in the form of a record indexed by source and time and cross-referenced by patient and caregiver, as suitable and available, [0054]*), to generate activity codes associated with the activity data and to write said activity codes to a database in the data storage device together with said activity data (*The module processes and then stores in its memory such activity data in the form of a record indexed by source and time and cross-referenced by patient and caregiver, as suitable and available, [0054]*), the, or each computer being further programmed to retrieve the element data and the activity data from the database using said activity codes (*The module retrieves, via the processor, time indexed records concerning patient and associated caregiver location and patient-caregiver proximity from the respective modules and physiological measurement information from the module, [0057]*) and to apply predetermined algorithms to the element and activity data to generate reports relating to workplace activities associated with the workplace elements (*Each of the modules of the controller suitably contains a memory storage area, such as RAM, for*

storage of data and instructions for performing processing operations in accordance with the present invention, [0048]) to generate reports relating to workplace activities associated with the workplace elements (The processor generates prepared reports relating to, for example, patient charting, order entry, outcome management, quality assessment, utilization review and patient admission details, such as patient tracking, bed management and scheduling, [0062]).

Regarding **claim 12**, Pulkkinen further shows an apparatus, in which the apparatus includes a primary computer and at least one secondary computer connected to the primary computer with a suitable network (*The system is an automated, universal and electronic monitoring platform for a health care facility, which is a combination wired and wireless network and utilized IR and RF based location and positioning technologies, [0032]*).

Regarding **claim 13**, Pulkkinen further shows an apparatus, in which the primary computer is programmed to generate the activity codes and to store the activity and element data together with the associated activity codes in the data storage device (*The module processes and then stores in its memory such activity data in the form of a record indexed by source and time and cross-referenced by patient and caregiver, as suitable and available, [0054]*).

Regarding **claim 14**, Pulkkinen further shows an apparatus, in which the primary computer is programmed to apply said predetermined algorithms to the

element and activity data (*Each of the modules of the controller suitably contains a memory storage area, such as RAM, for storage of data and instructions for performing processing operations in accordance with the present invention, [0048]*) to generate the reports (*The processor generates prepared reports relating to, for example, patient charting, order entry, outcome management, quality assessment, utilization review and patient admission details, such as patient tracking, bed management and scheduling, [0062]*).

Regarding claim 27, Pulkkinen clearly shows and discloses a computer for processing data for the administration of an organization ([0024]), the computer including:

a data storage device storing element data representing details of workplace elements (*The modules 27 and 29 respectively process the received activity data to create a time indexed record of patient and caregiver location within the hospital tracking environment and store such indexed records in their respective memories, [0051]*) the computer being connectable to at least one recordal device that is configured to record activity data associated with the workplace elements by recording the element data during workplace activities associated with the workplace elements (*The badge is an IR reader that transmits IR interrogating signals toward the badge of a patient which includes an IR readable barcode. The barcode of the badge reflects the interrogating signals to generate IR identification data signals, preferably indicating the identity of*

the interrogating badge and the interrogated badge. The sensor detects the IR ID signals and the routes to the controller activity data signals which indicate a proximity condition was detected for the badges at the zone of the sensor, [0042]), the computer being programmed to be operable on the data storage device (The controller includes modules that execute software programs to implement the features of monitoring activities in a health care facility tracking environment, [0048] and Figure 2), to write the activity data to the data storage device (The module processes and then stores in its memory such activity data in the form of a record indexed by source and time and cross-referenced by patient and caregiver, as suitable and available, [0054]), to generate activity codes associated with the activity data and to write said activity codes to a database in the data storage device together with said activity data (The module processes and then stores in its memory such activity data in the form of a record indexed by source and time and cross-referenced by patient and caregiver, as suitable and available, [0054]), the computer being further programmed to retrieve the element data and the activity data from the database using said activity codes (The module retrieves, via the processor, time indexed records concerning patient and associated caregiver location and patient-caregiver proximity from the respective modules and physiological measurement information from the module, [0057]) and to apply predetermined algorithms (Each of the modules of the controller suitably

contains a memory storage area, such as RAM, for storage of data and instructions for performing processing operations in accordance with the present invention, [0048]) to the element and activity data to generate reports relating to workplace activities associated with the workplace elements (The processor generates prepared reports relating to, for example, patient charting, order entry, outcome management, quality assessment, utilization review and patient admission details, such as patient tracking, bed management and scheduling, [0062]).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. **Claims 2-4, 15-19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Pulkkinen et al. (Pub. No. US 2003/0227386, provisionally filed on June 06, 2002 via Provisional Application No. 60/386,475; hereinafter Pulkkinen) in view of Ariff et al. (Pub. No. US 2002/0188509, filed on December 21, 2001; hereinafter Ariff).

Regarding claims 2, and 15, Pulkkinen does not disclose building / storing a registration database that includes at least one look up table that stores element codes and the element data such that each element code represents a

predetermined component of the element data associated with that element code.

Ariff discloses the SKU lookup table is created when detail database receives and stores retailer data. Each retailer data table may comprise a plurality of fields, such as "SKU" and "product description" and a plurality of records, each record corresponding to an item offered by a participating retailer. For each record stored in the retailer data table, detail database then generates, assigns, and stores as part of the record a standard identifier. The standard identifier uniquely identifies an item stored in the data table and is linked to the SKU that is also associated with that item ([0138]).

It would have been obvious to a person with ordinary skills in the art at the time of the invention to incorporate the teachings of Ariff with the teachings of Pulkkinen for the purpose of facilitating data analysis regarding each of the individual members of a group, thereby enhancing the ability to reach these individual members ([0012] of Ariff).

Regarding **claim 3**, Ariff further shows a method, in which the step of generating element data includes the step of converting each element code in the registration database into a barcode and applying the barcode to respective workplace elements (*When a customer purchases an item of merchandise, store personnel frequently use an automated terminal to read the barcode markings which are attached to the item. A computer interprets the UPC and/or SKU*

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number comprised by the barcode, accesses the database to determine the price for each item, and maintains a running total of the total transaction price, [0008] of Ariff). Pulkkinen then further shows the step of recording the element data including the step of scanning the barcodes (*The badge is an IR reader that transmits IR interrogating signals toward the badge of a patient which includes an IR readable barcode. The barcode of the badge reflects the interrogating signals to generate IR identification data signals, preferably indicating the identity of the interrogating badge and the interrogated badge. The sensor detects the IR ID signals and the routes to the controller activity data signals which indicate a proximity condition was detected for the badges at the zone of the sensor, [0042]* of Pulkkinen).

Regarding claims 4 and 20, Pulkkinen further shows the step of writing the element data and the activity data to a database includes the step of writing the element codes to intermediate files together with defining parameters, such that each activity is associated with an intermediate file (*The controller determines and stores in its memory a time indexed record of the locations of patients and caregivers, patient-caregiver, patient-equipment and caregiver-equipment proximity information, and care events performed or occurring in connection with the patient, based on the collected activity data, [0026]*).

Regarding claim 16, Ariff further shows an apparatus, in which one of the primary computer and the, or each secondary computer is programmed to generate barcodes, each barcode representing an element code and capable of

being operatively applied to each workplace element (*When a customer purchases an item of merchandise, store personnel frequently use an automated terminal to read the barcode markings which are attached to the item. A computer interprets the UPC and/or SKU number comprised by the barcode, accesses the database to determine the price for each item, and maintains a running total of the total transaction price, [0008]).*

Regarding claim 17, Pulkkinen further shows an apparatus, in which the, or each, recordal device is a programmable barcode scanner that is connected to the, or each, secondary computer via the network (*The interface 21 is a PDA or keypad-based data entry device including a IR barcode scanner or a smart card reader. The interface is coupled to a wired LAN to which all components of the system, except for caregiver and patient badges, are coupled, [0046]).*

Regarding claim 18, Pulkkinen further shows an apparatus, which includes a plurality of barcode scanners capable of reading said barcodes and being configured to generate a signal representing the element code corresponding to the scanned barcode (*The system includes a controller coupled by a wireless, wired or combination wired and wireless network to sensors, identification badges, physiological output data monitoring equipment and portable or fixed interfaces, each of which is located within a tracking environment, [0025]).*

Regarding **claim 19**, Pulkkinen further shows an apparatus, in which each barcode scanner is programmed to be associated with a particular activity, such that each barcode scanner is configured to read barcodes in a predetermined order when that activity is carried out (*By setting up the caregiver badges to remain dormant, until activated by a triggering event, this aim may be achieved. The triggering event may be anything which is linked to the concept of 'relevance', such as receiving a signal of a certain strength, or of a certain type, from a certain type of transceiver associated with a particular type of person or equipment. The event may also be such that any signals will trigger activation within a particular time frame, or particular location within a facility, [0043]).*

12. **Claims 5-10, 21-26;** are rejected under 35 U.S.C. 103(a) as being unpatentable over Pulkkinen et al. (Pub. No. US 2003/0227386, provisionally filed on June 06, 2002 via Provisional Application No. 60/386,475; hereinafter Pulkkinen) in view of Ariff et al. (Pub. No. US 2002/0188509, filed on December 21, 2001; hereinafter Ariff) and further in view of Koepper et al. (Pat. No. US 7,024,154; filed on December 18, 2002; hereinafter Koepper).

Regarding **claims 5 and 21**, Pulkkinen and Ariff do not disclose the step of generating a delimited text file for each activity, with the element codes, the activity code and the defining parameters of that activity, to define the intermediate file, such that each field of the delimited text file contains one variable element code, the activity code and the remaining element codes.

Koepper discloses the master database begins a transfer session, thereby creating a comma delimited text file that is then automatically imported into the master database. The format of the comma delimited text file may be: Company, Social Security Number, Course, Course Title, Date, Course Category. The comma delimited text file is then imported into the master database as a separate table ([Column 6, Lines 55-62]).

It would have been obvious to a person with ordinary skills in the art at the time of the invention to incorporate the teachings of Koepper with the teachings of Pulkkinen, as taught by Ariff, for the purpose of administration and importation of on-line training records ([Column 5, Lines 18-25] of Koepper).

Regarding **claims 6 and 22**, Koepper further discloses the step of importing data from the delimited text files to imported data tables, such that each row of each imported data table represents a field of the associated delimited text file, with one column of each imported data table containing variable element codes and a number of columns of each imported data table containing said remaining element codes (*The exemplary format of the imported text file is as follow: "Field 1," "Field 2," "Field 3," "Field 4," "Field 5," "Field 6," "Field 7," "Field 8," "FileName," etc, where the data is tabulated in field name column, data type column, and description column, [Column 7, Lines 17-27] and Figure 3C.*)

Regarding **claims 7 and 23**, Pulkkinen further discloses the step of expanding at least one of the element codes representing a group of workplace elements into element codes representing the workplace elements of that group (*Barcodes of badges used in hospital tracking environment are separated into two groups: those used by patients and those used by caregivers. Each badge is an active transceiver assemblies that automatically emit digitally encoded IR identification data signals of predetermined amplitude which identify the source (patient or caregiver) of the energy signal transmission, [0034]*).

Regarding **claims 8 and 24**, Koepper further discloses the step of importing start and finish time details into a column of the imported data table (*The exemplary format of the imported text file is as follow: "Field 1," "Field 2," "Field 3," "Field 4," "Field 5," "Field 6," "Field 7," "Field 8," "FileName," "StoreGuid," Title , "Date," "Time," "StartTimeCode," ElapsedTime," TimeLimit," etc., where the data is tabulated in field name column, data type column, and description column, [Column 7, Lines 17-27] and Figure 3C*).

Regarding **claims 9 and 25**, Ariff further discloses the step of carrying out a look-up operation on the registration database and the imported data tables and generating save tables so that each save table has a column of activity codes and columns of workplace element details and so that each activity code can be associated with a set of workplace element details (*The system may compile any of the above data across multiple participants for the purpose of data analysis, such as analyses which may be employed in strategic planning*

and marketing for example. The system of the invention may be used to compile, analyze, and report data in a manner which would inform a specific consumer (1) has made multiple purchases of particular manufacturers' products; (2) has spent Q dollars over a certain time period; (3) at specific multiple retailers; and (4) of the purchases made, R dollars went towards the purchase of Product 1, S dollars went towards the purchase of Product 2, and T dollars went towards the purchase of Service 1, [0066]).

Regarding claims 10 and 26, Pulkkinen further includes the step of calculating cost components associated with various workplace activities and generating account reports (*The processor 22 can retrieve and process the records stored in the module 26 offline, in other words not in real time, to generate prepared reports relating to, for example, patient charting, order entry, outcome management, quality assessment, utilization review and patient admission details, such as patient tracking, bed management and scheduling. For example, the processor 22 can use the activity data to generate a prompt for an automated billing system which states the following: "Dr. Smith, pulmonologist, was in proximity to Patient Jones, respiratory failure, for 37 minutes today starting at 09:32. Was this a billable pulmonary consult?", [0062]).*

Conclusion

13. These following prior arts made of record and not relied upon are considered pertinent to Applicant's disclosure:

Eakin et al. (Pub. No. US 2004/0167905) teaches content management portal and method for managing digital assets.

Clark et al. (Pat. No. US 4,641,347) teaches system for printing encrypted messages with a character generator and bar-code representation.

Corbett-Clark et al. (Pub. No. US 2004/0025030) teaches method and system for collection and verification of data from plural sites

The Examiner requests, in response to this Office action, support(s) must be shown for language added to any original claims on amendment and any new claims. That is, indicate support for newly added claim language by specifically pointing to page(s) and line no(s) in the specification and/or drawing figure(s). This will assist the examiner in prosecuting the application.

When responding to this office action, Applicant is advised to clearly point out the patentable novelty which he or she thinks the claims present, in view of the state of the art disclosed by the references cited or the objections made. He or she must also show how the amendments avoid such references or objections See 37 CFR 1.111(c).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son T. Hoang whose telephone number is (571) 270-1752. The Examiner can normally be reached on Monday - Friday (7:30 AM – 4:00 PM).

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Mohammad Ali can be reached on (571) 272-4105. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S.H./

Son T. Hoang

Patent Examiner

October 1, 2007

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